

No. PD-0710-17

**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
9/22/2017
DEANA WILLIAMSON, CLERK

**EX PARTE
ELIZABETH ANN GARRELS**

**ON DISCRETIONARY REVIEW
FROM THE NINTH COURT OF APPEALS
BEAUMONT, TEXAS
No. 09-17-00038-CR**

**ON APPEAL FROM THE COUNTY COURT AT LAW No. 5
MONTGOMERY COUNTY, TEXAS
CAUSE No. 17-29859**

**APPELLANT'S MOTION TO EXTEND TIME TO FILE
BRIEF ON THE MERITS**

Elizabeth Ann Garrels, Appellant, pursuant to TEX. R. APP. P. 10.5(b),
submits this motion to extend time to file a brief on the merits.

I.

On August 23, 2017, this Court granted Appellant's petition for
discretionary review. Appellant's brief is due on September 22, 2017.

Appellant asks this Court to extend the deadline for filing this brief 30 days to October 23, 2017.

II.

In the last 30 days, undersigned counsel has worked on the following cases: *Ashton v. State*, PD-0955-17 and PD-0956-17, PDR due on October 2, 2017, *State v. Enriquez*, cause no. 2117110, in the County Criminal Court at Law No. 8, Harris County, Texas, set for jury trial on August 28, 2017, *State v. Haisten*, cause no. 2106716, in the County Criminal Court at Law No. 12, Harris County, Texas, set for jury trial on September 5, 2017, *State v. Wagoner*, in the County Criminal Court at Law No. 1, Harris County, Texas, set for jury trial on October 3, 2017, and *State v. Funk*, No. 16-317564, in the County Court at Law No. 5, Montgomery County, Texas, set for jury trial on October 9, 2017. Counsel was also out of the office from August 26, 2017 through September 2, 2017 due to flooding in Houston, Texas.

III.

This Court has not previously granted an extension to file this brief. This motion is not made for delay, but to see that justice is done.

Respectfully submitted,

/s/ Matthew J. DeLuca
Matthew J. DeLuca
State Bar No. 24069601
712 Main Street, Suite 2450
Houston, Texas 77002
Tel: (713) 429-4400
Fax: (713) 228-2366
matt@mattdelucalaw.com
Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on the following parties
through the efile.txcourts.gov e-filing system on September 21, 2017:

Jason Larman
Assistant District Attorney
Montgomery County District Attorney's Office
207 W. Phillips, 2nd Floor
jason.larman@mctx.org

Stacey Soule
State Prosecuting Attorney
PO Box 13046, Austin, TX 78711-3046
information@spa.texas.gov

/s/ Matthew J. DeLuca
Matthew J. DeLuca